

To: Wells, Suzanne[Wells.Suzanne@epa.gov]
From: Dreyfus, Melissa G.
Sent: Thur 8/13/2015 3:14:36 PM
Subject: Fw: ACTION: CNN INQUIRY- TIMELY

Suzanne,

should have sent this to you too, for review.

Thanks!

Melissa

From: Dreyfus, Melissa G. on behalf of EOC Technical Specialist
Sent: Thursday, August 13, 2015 11:05 AM
To: Gartner, Lois; Stalcup, Dana
Subject: Fw: ACTION: CNN INQUIRY- TIMELY

Lois and Dana,

Can you please get OSRTI sign-off on these responses to questions #3b-6 from CNN? Brian Schlieger is checking to see if R8 is answering the first few. If not, then I may be sending you some language on those too.

thanks!

Melissa

3b) Can the EPA designate a site a superfund area without support from a community?

The 1986 amendment of the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA, better known as Superfund) contains public participation provisions that direct the EPA to engage communities affected by actual and potential Superfund sites about cleanup decisions, including the decision to list a site. The Superfund National Priorities List (NPL) identifies the most serious sites that the EPA has designated to be eligible for long-term cleanup. When the EPA proposes to add a site to the NPL, the Agency publishes a public notice about its intention in the *Federal Register*. The EPA also issues a public notice through the local media to notify the community, so interested members of the community can comment on the proposal. EPA must respond to the comments it receives. After consideration of those comments and the weighing of other factors, EPA may proceed with adding a site to the NPL. It's

also important to note that the Agency can, and does, take emergency response actions at many abandoned mine sites that are not listed on the NPL.

4) I'm also wondering if the type of mining pollution that was created by this particular mine is common with all mines.

Yes, many hardrock mining sites, such as the Gold King Mine, have mine-influenced waters, potentially containing high metal content and low pH.

5) Earth Work Action tells me that the price to clean up these sites has been estimated by the EPA at \$50 billion, and there is no steady funding source, leaving the EPA, states and local governments to cobble together resources for clean-up. Is that true?

The EPA's Office of the Inspector General Evaluation Report (March 2004) *Nationwide Identification of Hardrock Mining Sites* states that:

"We identified 156 hardrock mining sites nationwide that have the potential to cost between \$7 billion and \$24 billion total to clean up (at a maximum total cost to EPA of approximately \$15 billion). These costs are over 12 times EPA's total annual Superfund budget of about \$1.2 billion for the last 5 years. This suggests potential difficulties for the Superfund program, although, based on how EPA may apply listing and/or funding criteria, these costs may not all fall to EPA."

Congress appropriates funds for Superfund cleanups; those appropriated funds come almost entirely from general revenues since the Superfund taxing authority expired in 1995. Over the last several years, EPA's long-term cleanup budget has sustained a nearly 30 percent decrease. Funding shortfalls have meant EPA has had construction projects ready to start but could not initiate the work because of funding constraints. The EPA does work with state, tribal and local governments to identify options for cleaning up sites based on site conditions and other factors. However, funding issues alone do not explain EPA's work with states, tribes and local governments to identify cleanup options: Since the Superfund law was passed, state cleanup and voluntary cleanup programs have evolved, which has meant these programs have diverted sites from the NPL that might have been added at an earlier time.

6) The advocacy group also claims that 40% of the streams in the headwaters of western watersheds have been polluted by hardrock mining. Is that true? Is there more context needed here? Is there some amount of pollution that's allowable ie safe?

Lois note: We were able to find the source for this statement on EPA's website, but we weren't able to find a reference for where EPA OW got the data to make the statement.

This statement appears on EPA's website

(<http://water.epa.gov/lawsregs/lawsguidance/cwa/economics/liquidassets/dirtywater.cfm>):

“Mining in the western United States has contaminated stream reaches in the headwaters of more than 40 percent of the watersheds in the West. “

There continue to be many impaired watersheds throughout the U.S. as a result of historic and current mining operations. Water quality standards are established for surface water under the EPA's Clean Water Act.

From: EOC_Deputy_Manager,
Sent: Thursday, August 13, 2015 9:38 AM
To: EOC Technical Specialist
Subject: Fw: ACTION: CNN INQUIRY- TIMELY

From: Ruhl, Christopher
Sent: Wednesday, August 12, 2015 7:51 PM
To: EOC_Deputy_Manager,; Harrison, Melissa
Cc: Ostrander, David
Subject: Re: ACTION: CNN INQUIRY- TIMELY

Melissa,

Can you assist the following request?

From: EOC_Deputy_Manager,
Sent: Wednesday, August 12, 2015 5:24 PM
To: Ruhl, Christopher
Subject: Fw: ACTION: CNN INQUIRY- TIMELY

Chris,

can you please pass this along to someone in the region to get these answered for the media? The OSRTI folks do not have the site-specific knowledge to be able to answer these.

Thanks,

Brian

From: Gartner, Lois
Sent: Wednesday, August 12, 2015 4:29 PM
To: EOC Public Information; EOC_Manager;; EOC_Deputy_Manager;; Colaizzi, Jennifer C.
Cc: Gardner, Monica; Woolford, James; Fitz-James, Schatzi; Stalcup, Dana; Wells, Suzanne; Dreyfus, Melissa G.
Subject: RE: ACTION: CNN INQUIRY- TIMELY

Jennifer, et al: Items/questions #1 and #2 should be directed to Region 8, as should the first question in item #3; they cover site-specific matters that the Region is much better positioned to answer than OSRTI .

We are working at drafting responses, to the degree that we can in such a short timeframe, to the second part of #3 and #4-#6.

From: Stalcup, Dana
Sent: Wednesday, August 12, 2015 4:10 PM
To: Dreyfus, Melissa G.; Gartner, Lois

Subject: FW: ACTION: CNN INQUIRY- TIMELY
Importance: High

Dana Stalcup

Director, Assessment and Remediation Division

OSWER/Office of Superfund Remediation and Technology Innovation (OSRTI)

Desk – 703-603-8702

Cell – 202-309-5473



From: EOC_Manager,
Sent: Wednesday, August 12, 2015 3:59 PM
To: Stalcup, Dana
Cc: EOC Public Information; EOC_Deputy_Manager,
Subject: Fw: ACTION: CNN INQUIRY- TIMELY
Importance: High

Please see attached. Thank you!

EPA HQ EOC Manager

(202) 250-8703

(202) 564-3850 - main EOC line

From: Colaizzi, Jennifer C. on behalf of EOC Public Information
Sent: Wednesday, August 12, 2015 3:57 PM
To: EOC Public Information; EOC_Manager;; EOC_Deputy_Manager,
Subject: ACTION: CNN INQUIRY- TIMELY

We need reach back experts for agriculture, toxicology, sediment, mine operations, etc.
We have a pressing CNN Q. Deadline ASAP

From: Marsh, Rene <Rene.Marsh@turner.com>
Sent: Wednesday, August 12, 2015 4:00 PM
To: R8EISC
Subject: CNN INQUIRY- TIMELY

Hello,

I am a correspondent with CNN covering the toxic spill in Colorado. I have some questions I'm looking to get an answer to before my deadline today 230p et. The administrator's presser will be well past my deadline. I hope you can assist me in answering these questions. I am trying to get a better understanding of the situation prior to the breach.

1) I've been told by non-profit group Earth Work Action that the mine in Colorado where the leak occurred has been leaking acid mine drainage at a rate of about 50-250 gallons a minute for years, along with 3 other mines in the area.

Is that your understanding?

2) The EPA contractors were attempting to put a pipe into the adit (mine opening) in order to collect the water and prevent it from continuing to pollute Cement Creek and the Animas River. Is that a correct characterization? I'd like to understand more about what happens during that process – what kind of equipment was used and why? What caused the leak? Was there a misjudgment of how much water had built up and the pressure?

3) Is it true that the EPA had wanted for years to designate the area a superfund site but received much opposition from community leaders? Can the EPA designate a site a superfund area without support from a community?

4) I'm also wondering if the type of mining pollution that was created by this particular mine is common with all mines.

5) Earth Work Action tells me that the price to clean up these sites has been estimated by the EPA at \$50 billion, and there is no steady funding source, leaving the EPA, states and local governments to cobble together resources for clean-up. Is that true?

6) The advocacy group also claims that 40% of the streams in the

headwaters of western watersheds have been polluted by hardrock mining. Is that true? Is there more context needed here? Is there some amount of pollution that's allowable ie safe?

Many thanks,

Rene Marsh

CNN